IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGEMENT NO.624 OF 2003
IN
SUMMARY SUIT NO.3055 OF 1999

East India Paper Company Plaintiff

versus

Nathaji Kagad Bhandar Defendants

Ms.Anita Bhaktwar i/by Mr.S.P.Kanuga for plaintiff

None for defendants.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 4th July 2005

PC :

1. This matter was placed before me on 27th June 2005 and on earlier occasion as well. None appeared for the defendant no.1. Mr.Kanuga appeared for the plaintiff and sought time to serve defendant no.1 afresh. Now, the first defendant’s advocate has again been served with a copy of the Summons for Judgement and affidavit in support. Acknowledgement along with affidavit proving service placed on record and marked "X" for identification.

2. Learned advocate for the plaintiff contends that a decree has already been passed against defendants 2 and 3. The claim in the suit arises on account of dishonoured cheques. Particulars of the same are set out in paras 3 to 5 of the plaint. The claim has arisen on account of the goods sold, supplied and delivered by the plaintiff to the defendant. There is no reply to the suit notice. There was no appearance filed and therefore, decree was passed against defendants 2 and 3. Now despite filing appearance and service of Summons for Judgement twice, none has appeared to argue the matter. There is no reply affidavit nor is there any application for leave to defend. The claim of the plaintiff is not barred by limitation.

3. Accordingly, there will be a decree as prayed against defendant no.1. Refund of court fees as well as computation of advocates' costs as per rules.

(S.C.DHARMADHIKARI, J.)